

**Lewis County Planning Commission  
Special Public Hearing  
Mineral Events Center  
Mineral, WA**

**October 5, 2010  
Meeting Notes**

**Planning Commissioners Present:** Bill Russell, Mike Mahoney, Bob Guenther, Rachael Jennings

**Planning Commissioners Excused:** Jim Lowery, Richard Tausch, Arny Davis

**County Commissioners Present:** Lee Grose

**Staff Present:** Bob Johnson, Glenn Carter, Pat Anderson

**Others Present:** Please see sign in sheets

**Handouts/Materials Used:**

- Agenda
- Staff Report re: Application #156
- RCW and WAC Criteria
- Goals and Policies
- Letter from J Vander Stoep
- Letters from Ron Nilson
- Memo from Bill Russell
- Letter from Davis Wright Tremaine, LLP
- Written Testimony from Eugene Butler
- Written Testimony from Ed Brown
- Written Testimony from Ron Nilson
- Written Testimony from Davis Wright Tremaine, LLP

**I. Call to Order**

Chairman Jennings called the meeting to order at 7:00 P.M. She stated there was a sign in sheet and people should indicate if they wish to give testimony. The Planning Commissioners introduced themselves.

**II. Old Business**

A. Public Hearing on Application #156

Chairman Jennings recognized Mr. Bob Johnson, Director of Community Development.

Mr. Johnson thanked everyone for attending the meeting. He stated Lewis County makes these types of meetings available to the public so people have the opportunity to speak. The Planning Commission can make a recommendation on the testimony received to the Board of County Commissioners (BOCC). The BOCC will also be holding work sessions and public hearings on this issue. Tonight is for taking testimony for this specific application.

Mr. Johnson explained Application #156. It was originally for approximately 2000 acres and Forecastle Timber modified the application to 830 acres and would like to rezone it to 20-acre minimum lot size. Mr. Johnson stated he would answer questions before the testimony was given. It is currently zoned Forest Resource Land (FRL) of Commercial Significance which has a minimum lot size of 80 acres.

Mr. Johnson stated he would take questions from the audience that pertain to the application.

Mr. Ron Nilson asked if the 80 acres is specific to boundaries or if it can be any configuration of 80 acres. Mr. Johnson stated it is not specific to boundaries and division of land is only subject to review by the county if the lots are 20 acres or smaller. It is within the property owner's prerogative to do any kind of reconfiguration of lots. For purposes of transfer of title there are no regulations for subdivisions of that size.

Ms. Sharon White asked what the zoning was when Forecastle purchased the land.

Mr. Johnson stated it was FRL. Ms. White asked if Forecastle agreed to go from 2000 to 830 acres. Chairman Jennings stated the reduction in acreage was Forecastle's choice.

A question was asked if forest reserve land can be developed. Mr. Johnson stated to his knowledge there is nothing in the code that speaks to forest reserve land. He believes that would be a voluntary application by the applicant. It would be similar to doing a subdivision and some property is to remain for common use. That is done through a covenant and that is not a requirement of county code.

Mr. Al Austin asked if this property is rezoned to 20 acres would the roads be put in to county specifications before any lots are sold.

Mr. Johnson stated since the subdivisions are not subject to county review the County would not necessarily know it is being done. Community Development would not receive any information. If it was recorded for survey, it would go to the county engineer for purposes of lot closure. When someone came to build a house or develop those lots they would be subject to Lewis County development regulations and the roads would be done concurrent with any development.

Mr. Nilson asked if the Lewis County Code [is compliant] with all parts of the Growth Management Act.

Mr. Johnson stated the Growth Management Act (GMA) requires Lewis County to develop a comprehensive plan that is consistent with GMA requirements. The Development Regulations are something that implements the policy decisions. The Lewis County Code and Development Regulations have been subject to considerable review and appeal since 1999. The Comp Plan and Development Regulations have been thoroughly reviewed by the courts and they are currently consistent with GMA requirements.

Mr. Nilson asked if there is any appeal beyond the BOCC.

Mr. Johnson stated anyone with standing can appeal a decision by the BOCC to the Growth Management Hearings Board and if they don't like that decision they can go to Superior Court, Appellate Court and the State Supreme Court.

Mr. Austin asked if there has been a study done on how this rezone would help the county's taxes.

Mr. Johnson stated the county is subject to state laws that limit the property tax to 1% per year. Just because there is an improvement on a property does not mean that Lewis County collects more

property tax. There are excise taxes for development but those are rolled back into the evaluation and everyone gets reassessed.

Question: if the property is rezoned to 20 acres will a sewage treatment plant need to go in.

Mr. Johnson stated no. Septic requirements are through the Health Department. It conducts soil evaluations to determine if the soil is suitable for on-site treatment. In most cases if someone has more than a couple of acres there will be a suitable site for a septic system. If a developer has a choice of a \$20 million sewer system or individual septic system, he will have the lot owner put in his own septic system.

Question: Would the town have to hook up to a sewer system?

Mr. Johnson stated based on his experience, a developer would not put in a sewer system; it would be cost prohibitive.

Commissioner Russell stated Mineral is an unincorporated city and couldn't put in a sewer system.

Question: If someone buys two lots, or 160 acres, is it zoned commercial or residential?

Mr. Johnson stated the zoning is Forest Resource Land of Long Term Commercial Significance and there are a number of uses that are allowed in that zone. Predominately it is for the production of timber, but single family residential use is allowed and certain other uses that may be consistent with or support forestry, such as a saw mill.

Mr. Nilson stated some time ago the county wanted to put in a water system and it was said that a sewer system would follow. Couldn't that occur now and with 32 votes could they force Mineral to do it.

Mr. Johnson stated the water system that was first looked at was in the LAMIRD (limited area of more intense rural development). Mineral has zoning that allows certain types of utility services within that area. In a rural area it would be cost prohibitive. 32 people could not build, operate and maintain a system of that size.

Ms. Nora Olds asked where the fire and police protection would be coming from. She keeps hearing the word "potential" and asked if taxes will increase because Mineral has potential for 32 more families. Where will the money come from for new roads?

Mr. Johnson stated those things don't happen with the rezone application. When development actually occurs there will have to be some determination made as to adequate fire protection.

Question: If the rezone for 20 acres is approved, will they be prohibited from doing another subdivision or rezone down the road.

Mr. Johnson stated subject to the development regulations in effect now they would be prohibited from subdividing because the minimum lot size for forest land of local importance is 20 acres. The zoning may change. If someone repealed the Growth Management Act and the county rezoned their property,

there is a potential that it could happen and they could apply according to the regulations in effect at that time.

Question: if someone bought an 80 acre lot, could they subdivide and sell it.

Mr. Johnson stated currently no, they could not.

Question: If someone buys a lot is there a notification process.

Mr. Johnson stated if they apply for a use on the property, you would not get notification; it would be like a building permit. If they apply for a development that is subject to SEPA or needs a special use permit and there is a public hearing, that is when you would be notified.

Question: If the rezone goes into effect will fire trucks be able to get up there.

Mr. Johnson stated a rezone is not a development permit. A rezone is the authority to do something. There is no development that takes place in a rezone. Someone needs to apply for a permit that requires access and at that time the access would be reviewed consistent with the county road standards and the fire districts would have to agree that they have access.

Question: If there is no code for forest reserves, how will they be managed and if roads are put in will they be maintained to protect our watershed.

Mr. Johnson reminded everyone that this is a rezone application and a rezone application is not a development application. There is a proposal by the applicant to re-divide their property and to develop it. That is their choice, including the reserve area. This is a property specific proposal that the applicants made and it is not governed by county code.

Question: Why do you decide to rezone this property when we don't want it done in our town?

Mr. Johnson stated the Planning Commission does not decide to rezone. The County Commissioners are the ones who decide and they were elected to make those decisions. The Planning Commissioners are volunteers appointed to provide public input and make a recommendation based on that input. They have no authority to make decisions; they are here to listen to what you have to say and to formulate a recommendation to the BOCC.

A question was asked why this application is back before the Planning Commission when it was discussed last year.

Mr. Johnson stated a property owner has the right, every year, to request a rezone of his property.

Mr. Nilson stated he understands that the fire district does not have to include this area for protection but it does have to provide emergency medical services. He asked if that is correct.

Mr. Johnson stated he was unable to answer that question. Mr. Ed Brown, Fire Commissioner for District 9, stated yes, that is correct: emergency medical services must be provided.

There were no more questions and Chairman Jennings opened the oral testimony portion of the public hearing at 7:40 p.m. She asked each speaker to spell his or her name and there would be a 3 minute limit to allow everyone an opportunity to testify.

Mr. Ed Brown submitted a financial statement showing the value of fire districts in Lewis County. Mineral is the second smallest in the county. He read some dollar figures for various rates collected and stated an EMS levy has the ability to tax personal property and the forest preserve area and that is why emergency medical services have to be provided to that area. He had figures for the amount of taxes brought in for District 9 for the general area and for the EMS side. The revenue District 9 can collect from the tax payers is \$53,131.96.

Chairman Jennings stated Mr. Brown had run out of time and his document would become part of the record.

Mr. Ron Nilson's testimony included parts of a letter he submitted to Commissioner Schulte. Mr. Nilson would like the Commissioners to support and cooperate with the effort to purchase the 2200 acre Mineral Lake area and keep it under public ownership. He suggested it would take a consortium of government agencies plus private donors to purchase the property from the present owners. His letter included potential participants.

Mr. Nilson stated the theme of the management of the area would be conservation and would blend uses to the best possible mix. Forecastle's plan is not compatible to the area and would create a catastrophic loss to the environment and the people. Pollution to Mineral Lake is not acceptable.

Mr. Nilson has researched the GMA laws and Lewis County zoning laws and ordinances and could not find any legal authority that would allow this 20-acre rezone to occur.

Mr. Eugene Butler provided written testimony from which he read. The applicants admit that their land is forest resource land and is expected to remain so with the zoning change. They seek to take advantage of the provision of LC ordinance that allows a 20-acre minimum parcel size as opposed to the 80-acre minimum size required in Forest Land. He does not believe this change is authorized under LCC 17.30.420(2) and 17.30.430(1) and (2).

Mr. Butler spoke to contiguous acres. The proponents assert that because the land is bisected by a road and railroad that the land is not all contiguous. Mr. Butler could find no authority for this in the zoning code. He read from the subdivision code, 16.04.096, .060, .180 and .232 and 16.02.050. The word "contiguous" even in the subdivision code extends contiguous ownership to both sides of a centerline. Contiguous land includes parcels of land adjoining each other even if separated by rights of way.

Ms. Nora Olds stated Mineral has been through lots of changes and the people living there are trying to protect the environment. There are issues with power outages, etc., and she asked if this investment is going to help the power problem. She stated the police are never seen; the fire district is the best with good response time. The roads are inadequate for growth and Ms. Olds asked who would fix the roads. The taxes will go up because of the "potential". With development there would be more drug use which the residents don't need.

Ms. Donna Elliott stated she wants to feel safe and maintain the rural small town environment. She knows that progress cannot be stopped and so a balance needs to be found. If this rezone is approved

she wants to know how public services will be brought in. She stated sheriff response time is 2-3 hours and increased development will increase that need. That issue needs to be addressed.

Ms. Roberta Church stated when fishermen come to fish they do not come to see a lake with homes built all around it. There is no way to have homes all around the lake and not hurt the environment of the lake. She is against this development and is concerned about the lake and its environment.

Mr. Chuck Maduell stated as the application stands now includes is 40% of Forecastle land. The remainder would remain as forest lands of long term commercial significance. This would result in an increase in density of only 8 new dwellings. Under the current zoning it would allow 25 80-acre lots. The remaining 60 acres would remain in forest resource land subject to the same development regulations to develop forest resource lands. It complies with the Growth Management Act. Being isolated by water bodies, the lake, streams and rivers, makes it isolated from large blocks and it is appropriate to be Forest Resource Land of local importance.

Ms. Emily Anderson stated this private property should be allowed to develop under the current code. If the Lewis County Comprehensive Plan is effective, our county does not need to comply with GMA. We should allow this to happen so the land will not be open to state and federal regulations.

Mr. Terry King stated this rezoning would be horrible. Once a development gets going you'll get Wal Mart and Safeway. He is against rezoning this property.

Ms. Ashley Gronzo stated the applicants can build now and they are putting aside land that they cannot build on. She believes that is a good thing.

Mr. Larry Smith stated he does not want to see the lake change. He stated people want the lake to remain the same.

Mr. Curt Hedlund opposes the rezone. Timber companies only want to make money. Everyone must get involved and the county can help you voice your opinion. Go to your legislators.

There was no more testimony and Chairman Jennings closed the public hearing.

### **III. Calendar**

The next meeting will be on Tuesday, October 12: public hearings on all the rezones and the countywide planning policies, and a workshop on the Six Year Transportation Plan.

### **IV. Good of the Order**

Mr. Nilson thanked everyone for attending the meeting. Commissioner Guenther stated all the commissioners wanted to be in Mineral for this hearing.

Ms. Olds asked when a decision on the rezone would be made.

Mr. Johnson stated specific dates are not set yet. The BOCC will set a hearing date, most likely at the end of December. It will be noticed in the newspapers and on the Lewis County website:  
[www.lewiscountywa.gov](http://www.lewiscountywa.gov).

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Mr. Johnson also thanked everyone for attending. He stated government works when people are involved. He encouraged calls to Community Development if anyone had questions.

**V. Adjourn**

A motion was made and seconded to adjourn. The meeting adjourned at 8:20 p.m.